

## Title 14 – Roads and Bridges

SECTION 1. 14.70.210 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~A. (“Applicant” means a person, partnership, corporation or other legal entity who applies to the department for a certificate of transportation concurrency.~~

~~B.))~~ “Average travel speed” means the average speed in miles per hour of a vehicle over a certain length of road.

~~((C.))~~ B. “Capital improvement program” or “CIP” means the expenditures and revenues programmed by King County for capital purposes for road improvements over the next six-year period in the adopted CIP currently in effect.

~~((D.1. “Certificate of concurrency” means the document issued by the department indicating:~~

~~a. the location of the property on which the development is proposed;~~

~~b. the number of development units and specific uses that were tested for concurrency and approved;~~

~~c. the type of development approval for which the certificate of concurrency is issued;~~

~~d. an effective date; and~~

~~e. an expiration date.~~

~~2. Certificates may be conditional only for nonresidential developments.~~

~~E.))~~ C. “Committed network” means the road system for measuring concurrency, which includes all existing transportation facilities and also includes proposed transportation facilities that are fully funded for construction in the adopted CIP or for which voluntary financial

commitments have been secured. Fully funded projects to be provided by the state, cities or other jurisdictions may become part of the committed network.

~~((F.))~~ D. “Concurrency” means transportation facilities are in place at the time of development or that a financial commitment is in place to complete within six years the improvements needed to maintain the county level of service standards, according to RCW 36.70A.070(6).

~~((G.))~~ E. “Concurrency map” means the map displaying ~~((in color))~~ the concurrency status of each concurrency ~~((zone))~~ travel shed and mobility area for residential and commercial land uses based upon the ~~((traffic model))~~ concurrency analysis and test. The map ~~((consists of two colors, which are green and red, that signify))~~ shows the level of service status as designated under K.C.C. 14.70.230.C.

~~((H.))~~ F. “Concurrency status” means whether or not ~~((a concurrency zone))~~ an area meets the ~~((TAM and travel time))~~ level of service standards adopted in this chapter.

~~((I.))~~ G. “Concurrency test” means determining if ~~((a proposed development complies with the))~~ whether monitored arterial corridors associated with a travel shed meet adopted level of service standards ~~((of the concurrency zone in which the proposed development is located))~~.

~~((J.))~~ H. “Concurrency ~~((zone))~~ travel shed” means one of the ~~((zones))~~ travel shed areas depicted ~~((in))~~ on the adopted concurrency map.

~~((K.))~~ “Critical segment” means ~~the one direction lane or lanes of a portion of a monitored corridor within the committed network with an average travel speed of level of service E for the Urban Growth Area and designated Rural Towns and level of service B for the Rural Area during the peak period and that carries more than thirty percent of the one-way peak-period vehicle trips from a proposed development for nonresidential development or from a~~

concurrency zone for residential development. The portion of a roadway comprising a critical segment may be several connected roadway links, as used in the traffic model.

~~L.))~~ I. “Department” means the King County department of transportation or its successor agency.

~~((M.))~~ J. “Development” means specified changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings or improvements on the land in a manner that increases the amount of vehicle traffic generated by the existing use of the land, and that requires a development permit from King County. This definition does not pertain to the rezoning of land or a grading permit.

~~((N.))~~ K. “Development application” means the request made to the department of development and environmental services, or its successor agency, for approval of a development.

~~((O.))~~ L. “Development approval” means an order, permit or other official action of the department of development and environmental services or its successor agency granting, or granting with conditions, an application for development.

~~((P.))~~ M. “Development units” means the number of dwelling units for residential development and square feet for nonresidential development.

~~Q.))~~ N. “Director” means the director of the department.

~~((R.))~~ O. “Financial commitment” consists of:

1. Revenue designated in the adopted CIP. The adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the funds will be timely put to those ends. Projects to be used in

defining the committed network are fully funded for construction in the six years of the CIP.

This commitment is reviewed through the annual budget process; or

2. Revenue that is assured by an applicant in a form approved by the county in a voluntary agreement.

~~((S.))~~ O. “HOV” means high occupancy vehicle.

~~((T.))~~ P. “Level of service standard” means the ~~((TAM and))~~ travel time standards that are adopted in the Comprehensive Plan and in this chapter.

~~((U. “Link” means the one-direction lane or lanes of a roadway between two adjacent consecutive points along that roadway, as used in the traffic model. The consecutive points determining the length of a link may be based on roadway and geographical characteristics such as roadway alignment and intersection location.))~~

Q. “Mobility area” means a geographic area designation where multiple mobility options are supported by infrastructure and development density or land use designation.

~~((V.))~~ R. “Monitored arterial corridor” means ~~((a principal or minor arterial))~~ the arterial corridors considered by the department to be important to traffic circulation ~~((in the county and may consist of two or more connected segments))~~ to, from and within a given travel shed. The monitored corridors are established and listed in Attachment B\* to Ordinance ~~((45839))~~.

Monitored corridors in a city shall be based upon interlocal agreement between the county and that city.

~~((W.))~~ S. “Peak period” means the one-hour weekday afternoon period during which the greatest volume of traffic uses the road system. For concurrency purposes, this period shall be in the afternoon of a typical weekday.

~~((X. “Reservation and reserve” means development units are set aside in the department’s traffic model in a manner that assigns the units to the concurrency zone and prevents the same units from being assigned to any other development once the traffic model is updated.))~~

~~Y.))~~ T. “Road classification” means the classification of roadways as determined by the county council by ordinance based on the function and design of a specific road.

~~((Z.))~~ U. “Rural Area” means a Rural Area as defined in the King County Comprehensive Plan.

~~((AA.))~~ V. “Rural Town” means a Rural Town as defined in the King County Comprehensive Plan.

~~((BB.))~~ X. “Segment” means a portion of a monitored arterial corridor between major intersections or roadway configuration changes such as changes in the number of lanes. ~~((A segment may consist of several connected links as used in the traffic model.~~

~~CC. “Traffic model” means the computer program and data that is used to forecast traffic volumes and that is calibrated to Federal Highway Administration standards. The model is used to prepare the concurrency map for proposed residential developments and to conduct site specific analysis for proposed nonresidential developments. The model documentation is available from the department.~~

~~DD. “Transportation adequacy measure” or “TAM” means the average weighted volume to capacity ratio for all traffic in the afternoon peak hour for a concurrency zone or nonresidential development.~~

~~EE.))~~ Y. “Transportation facilities” means principal, minor and collector arterial roads, state highways and high occupancy vehicle facilities as well as associated sidewalks, bike lanes and amenities supporting non-motorized modes of travel. Transportation facilities include any

such a facility owned, operated or administered by the state of Washington and its political subdivisions, including the county and cities.

~~((FF.))~~ Z. “Travel time” means the time it takes a vehicle to travel from one specified point to another.

~~((GG.))~~ AA. “Travel time standard” means the level of service standard used to judge the performance of monitored arterial corridors~~((and critical road segments within the corridors))~~. The level of service standard is identified by ranges of average travel speed by road classification.

~~((HH.))~~ BB. “Urban Growth Area” means an Urban Growth Area as defined in the King County Comprehensive Plan. (Ord. 15839 & 1, 2007)

**SECTION 2. 14.70.220** ~~((Transportation adequacy measure and travel time ))~~ **Level of service standards.**

A. Concurrency shall be determined by the application of ~~((TAM and))~~ travel time standards to ~~((proposed nonresidential developments and concurrency zones for proposed residential developments))~~ monitored arterial corridors associated with travel sheds within unincorporated King County.

B. ~~((The TAM calculation for a concurrency zone or nonresidential development shows the adequacy of the committed network relative to the adopted level of service. Projects to be provided by the state, cities or other jurisdictions may become part of the committed network upon decision of the director. A volume to capacity ratio is the measure used for TAM evaluation with one standard for the Urban Growth Area and another standard for the Rural Area. The TAM standard for the Urban Growth Area and designated Rural Town is level of service E, or 0.99 volume to capacity ratio, as adopted in the King County Comprehensive Plan.~~

~~The standard for the Rural Area is level of service B, or 0.69 volume to capacity ratio, as adopted in the King County Comprehensive Plan. The standard for the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F, or greater than 0.99 volume to capacity ratio, as adopted in the King County Comprehensive Plan.~~

1. The travel time standard shall apply to the monitored corridors listed in Attachment ~~((B to Ordinance 15839))~~ X to Ordinance XXXXX. The travel time standards are levels of service based on average travel speed in miles per hour, and the standards vary by road classification. The travel speed calculations measure the adequacy of ~~((critical))~~ segments ~~((within))~~ of the monitored corridors. The travel time standard for the Urban Growth Area and designated Rural Towns (rural mobility areas) is level of service E. The travel time standard for the rural neighborhood commercial centers of Cottage Lake, Maple Valley, Preston and Cumberland is level of service D. The travel time standard for the Rural Area is level of service B. The travel time standard for urban mobility areas and the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F. ~~((Travel time standards shall not apply to monitored corridors in the Urban Growth Area HOV lanes and transit service are available at the time of concurrency application or are expected to be available within six years.))~~

2. The following table identifies the range of travel speeds for the travel time levels of service on monitored corridors and critical segments including the average travel speeds used for the standards level of service E and level of service B.

ROAD LEVELS OF SERVICE				
Road Classification:	I	II	III	IV
	(State	(Principal	(Minor	(Collector

	Routes)	Arterials)	Arterials)	Arterials)
LEVEL OF SERVICE	AVERAGE TRAVEL SPEED (MILES PER HOUR)			
A	>42	>35	>30	>25
B	>34 – 42	>28 – 35	>24 – 30	>19 – 25
C	>27 – 34	>22 – 28	>18 – 24	>13 – 19
D	>21 – 27	>17 – 22	>14 – 18	>9 – 13
E	>16 – 21	>13 – 17	>10 – 14	>7 – 9
F	<=16	<=13	<=10	<=7

155 (Ord. 15839 & 2, 2007)

156 **SECTION 3. 14.70.230 Concurrency ((test)) map.**

157 A. The department shall perform a concurrency analysis and test for each ~~((application~~  
158 ~~for a certificate of concurrency))~~ travel shed to determine whether the ~~((proposed development~~  
159 ~~satisfies the TAM and travel time))~~ monitored arterial corridors associated with the travel shed  
160 meet adopted level of service standards. A travel shed shall be determined to meet adopted level  
161 of service standards if 85 percent of its associated monitored arterial corridor miles meet level of  
162 service standards. The department shall prepare a map displaying the results of the concurrency  
163 analysis and test.

164 B. ~~((The concurrency test shall be performed only for the proposed development~~  
165 ~~identified by the applicant on a completed concurrency application. Changes to the proposed~~  
166 ~~development that would create additional vehicle trips shall be subject to an additional~~  
167 ~~concurrency test.~~

168 C.))1. ~~((When making a concurrency determination for a proposed residential~~  
169 ~~development, the department shall consult the concurrency map currently in effect.))~~ The



concurrency map displayed in Attachment ~~((A\* to Ordinance 15839))~~ X to ordinance XXXX is adopted as the official concurrency map for King County. The ~~((department shall make a determination of))~~ concurrency ~~((according to the))~~ status ~~((indicated on the adopted map for the concurrency zone in which the proposed residential))~~ for all development, both residential and commercial, is ((located)) shown on the adopted map and is based on the location of the proposed development.

2. ~~((On))~~ If the concurrency map ~~((, if the zone color is green it means the proposed residential development shall be given a certificate because))~~ shows the concurrency ~~((zone))~~ travel shed or mobility area is functioning within level of service standards, any proposed development within that travel shed or mobility area shall be considered concurrent. ~~((The color red means the concurrency zone is at or))~~ Areas exceeding level of service standards ~~((and the proposed residential development shall not be given a certificate, unless it is a))~~ are shown in black and white and no applications for development permits in those non-concurrent areas shall not be accepted except for certain minor developments listed in K.C.C. 14.70.285.

~~((D. When conducting the concurrency test for a proposed nonresidential development, the department shall conduct a site specific analysis using the department's traffic model. The department shall use standard trip generation rates published by the Institute of Transportation Engineers or other documented information and surveys approved by the department. The department may approve a reduction in generated vehicle trips based on additional information supplied by the applicant. The calculation of vehicle trip reductions shall be based upon recognized technical information and analytical processes that represent current engineering practice. The department shall have final approval of such data, information and technical procedures as are used to calculate vehicle trip reductions.~~

~~E. If the concurrency test is passed under subsection D. of this section, the applicant shall receive a certificate of concurrency. If the concurrency test for a nonresidential project is passed only under certain conditions of road improvements or project size, then the applicant shall receive a conditional certificate of concurrency on which the specific conditions are stated.~~

~~F. If the concurrency test for nonresidential development is not passed, the applicant shall select one of the following options:~~

~~1. Request in writing a ninety day period in which the applicant can meet with the department to review the concurrency analysis and possible mitigation measures. The applicant may also provide additional information to the department in support of the application. The ninety day period must be requested no later than ten days after the applicant's receipt of the notification of denial;~~

~~2. Appeal the denial of the application for a certificate of concurrency in accordance with K.C.C. 14.70.260. Acceptance of the ninety day period shall not impair the applicant's future right to a formal appeal at a later time. An appeal must be filed with the department no later than ten days after the expiration of the ninety day period; or~~

~~3. Accept the denial of an application for a certificate of concurrency.)) (Ord. 15839 & 3, 2007: Ord. 15030 s 3, 2004: Ord. 14580 § 3, 2003: Ord. 14375 § 2, 2002: Ord. 14050 § 10, 2001).~~

**SECTION 4. 14.70.260 Appeals.**

A. Any issues relating to the adequacy of the ((~~traffic model~~)) concurrency analysis and test or to the accuracy of the concurrency map shall be raised to the county council during the annual council consideration of the concurrency map as provided in K.C.C. 14.70.270.

~~((B. There is no administrative appeal of the department's final decision of residential concurrency denial or approval.~~

~~C. An appeal of the department's final decision relative to nonresidential concurrency denial shall be filed by the applicant with the director or the director's designee. The appeal shall be in written form, stating the grounds for the appeal, and shall be filed within ten days after receipt of notification of the department's final decision in the matter being appealed or if a ninety-day period was requested under K.C.C. 14.70.230.G.1 within ten days after the expiration of the ninety-day period.~~

~~D. A challenge to a nonresidential concurrency approval may be raised as part of the review process for the development application for which the certificate of concurrency was issued.~~

~~E. In an appeal of nonresidential concurrency denial or approval, the appellant must show that:~~

~~1. The department committed a technical error, which means an error in arithmetic, table and map lookup or a similar clerical function;~~

~~2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered;~~

~~3. Conditions required by the department for concurrency are not related to the concurrency requirement; or~~

~~4. The action of the department was arbitrary and capricious as defined in Washington law.~~

~~F. The standard of review for nonresidential appeals when considering whether a technical error was committed shall be compelling evidence that the department made an error in~~

arithmetic, table references or other such mechanical or clerical error. Appeals based upon technical error shall not call into question the underlying traffic model or its inputs.

G. For nonresidential appeals on grounds other than technical error, the department's dependence on its professional judgment and experience shall be given due deference by the hearing examiner.)) (Ord. 15030 § 5, 2004: Ord. 14580 § 6, 2003: Ord. 14375 § 3, 2002: Ord. 14050 § 13, 2001).

**SECTION 5. 14.70.270 Update and use of the ((traffic model)) concurrency map.**

A. The ((traffic model for)) concurrency map shall be updated annually as part of the budget process or when authorized by the county council by ordinance. The update process shall include the most recently adopted roads CIP, updated traffic volumes and travel time surveys, updated information regarding ((issuance of concurrency certificates,)) development approvals and development activity. ((The traffic model shall conform to the guidelines and procedures described by the Federal Highway Administration in its publication entitled Calibration and Adjustment of System Planning Models dated December 1990 or its successor. Each update of the traffic model shall be used to produce a new concurrency map.)) The analytical techniques used and procedures followed shall be consistent with nationally recognized transportation planning and engineering principles, techniques and procedures. The concurrency map shall be submitted to council for its approval by ordinance. The updates ((of the traffic model)) shall be deemed adequate for the purposes of concurrency analysis and the concurrency map shall be used to determine the concurrency of proposed ((residential)) development projects. ((The traffic model shall be used to prepare the concurrency map and to perform site specific analysis for nonresidential projects.))

B. An annual report shall be prepared by the road services division on the concurrency program update. The annual report shall explain the technical assumptions, land use changes, network changes and other parameters used ~~((to update the concurrency model))~~ used to develop the updated concurrency map. The annual report shall be submitted to the council along with the annual update required by subsection A. of this section. Eleven copies of the report shall be filed with the clerk of the council, who shall retain the original and shall forward copies to each councilmember and to the lead staff of the council's transportation committee, or its successor.

C.1. An independent expert review panel on concurrency shall be established to:

- a. review the annual report on the concurrency ~~((model))~~ update; and
- b. evaluate proposed changes to the transportation concurrency process and model developed by the road services division.

2. The panel shall be comprised of four to six persons and include representation from the development community, the environmental community, transportation planning professionals, the unincorporated area, the public at large and multimodal transportation interest groups.. Each representative shall be appointed by the executive and confirmed by the council.

3. A summary of the panel's review of the annual report on the concurrency ~~((model))~~ update and its evaluation of proposed changes to the transportation concurrency process and ~~((model))~~ and analytical procedures shall be included with the submittal of the annual report to the council.

D. The concurrency map is a result of the ~~((values inputted into the traffic model,))~~ concurrency analysis as described in subsection A. of this section and in section 14.70.230. The concurrency map indicates if ~~((a concurrency zone))~~ an area does or does not comply with adopted ~~((TAM and travel time))~~ level of service standards. Any changes to the concurrency

283 status of ~~((a zone or zones))~~ an area on the concurrency map other than those resulting from the  
284 ~~((model))~~ update process may only be accomplished by the council, through an ordinance, by  
285 changing ~~((any combination of the adopted TAM or travel time))~~ the adopted level of service  
286 standards, or the list of funded projects in the most recently adopted CIP. (Ord. 15840 & 1, 2007:  
287 Ord. 15839 & 4, 2007:)

288         SECTION 6. A. Ordinance 14050, section 11, as amended and K.C.C. 14.70.240 are  
289 each hereby repealed.

290         B. Ordinance 14050, section 12, as amended and K.C.C. 14.70.250 are each hereby  
291 repealed.